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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,791	07/14/2003	Shinjiro Hara	BD-0302T	4079
7590 Takeuchi & Kubotera, LLP 200 Daingerfield Road Suite 202 Alexandria, VA 22314			EXAMINER SEVERSON, JEREMY R	
			ART UNIT 3653	PAPER NUMBER
			MAIL DATE 06/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/617,791		HARA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Jeremy R. Severson		3653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,6,8 and 11-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,8,11-20 and 23-29 is/are rejected.
- 7) ☒ Claim(s) 21 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3653

## **DETAILED ACTION**

### ***Response to Amendment***

Please note that some claims indicated as allowable in the prior Office Action, have, in light of the newly cited prior art, been newly rejected. Therefore, this Action is non-final.

The Examiner regrets the inconvenience to Applicant.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

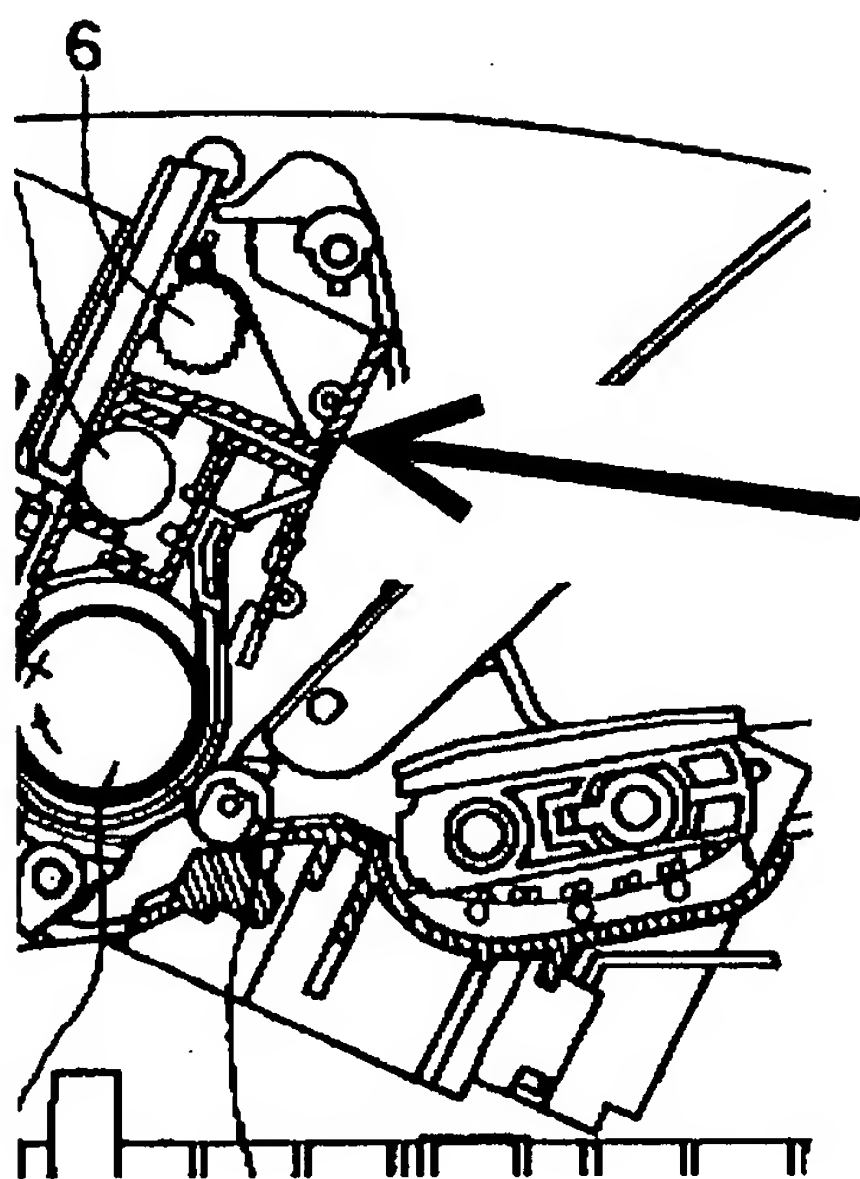
Claims 1, 3, 4, 6, 8, 11, 12, 19, 20, 23, 24, 27, 28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishiberi (US 5,984,300).

Re claims 1, 11, 19 and 29, Nishiberi discloses a medium tray attachable to an image recording apparatus for feeding a record medium one by one and recording an image on said record medium, said medium tray comprising: a depository in which said record medium is loaded such that front and rear portions of said record medium have different angles with respect to a feeding direction of said record medium when said record medium is in said depository, said depository including a medium support

Art Unit: 3653

(downstream portion of 9) for placing the front portion of the record medium and a rear guide (upstream portion of 9) extending upwardly from a rear end of the medium support for guiding the rear portion of the record medium upwardly, said medium support protruding outside of the image recording apparatus from a side of the image recording apparatus to be exposed; and a folding member 2 provided at a rear portion of said depository such that said record medium in said depository is folded toward said image recording apparatus, said folding member being disposed at an upper portion of the rear guide, said folding member including a guide member for guiding the record medium toward the image recording apparatus. The surface of 2 on which the record medium rests serves to guide the sheet.

Re claims 3 and 6, Nishiberi discloses everything claimed, including a restricting member arranged at said medium support or rear guide and restricting said record medium put in said depository such that said record medium is not spaced from said medium support or rear guide more than a predetermined distance and is transported along said medium support or rear guide when said record medium is fed into said image recording apparatus. Arrow in fig. below points to restricting member.



Re claim 4, Nishiberi discloses the medium tray according to claim 1, wherein said depository further comprises a curved section between said medium support and rear guide. Elements 9 and 2 are curved along their entire length.

Re claim 8, Nishiberi discloses the medium tray according to claim 1, which further comprises at least one rear supporter 2 provided above said depository for supporting the rear portion of said record medium folded at said folding member.

Re claims 12 and 27, Nishiberi discloses the medium tray according to claim 8, wherein said rear supporter is made of at least one shaft 2c.

Re claim 20, Nishiberi discloses an image recording apparatus comprising said medium tray according to claim 1, wherein the rear portion of said record medium folded at said folding member is supported by an upper surface of said image recording apparatus. See fig. 3.

Art Unit: 3653

Re claim 23, Nishiberi discloses everything claimed, wherein said at least one rear supporter is arranged to be rotatable around a fulcrum 2c provided on the medium support.

Re claim 24, Nishiberi discloses everything claimed, wherein said at least one rear supporter is arranged to form an opening for receiving the rear portion of the record medium placed on the medium support when the at least one rear supporter opens. When element 2 is opened, an opening exists for allowing the sheets to enter the machine.

Re claim 28, Nishiberi discloses the medium tray according to claim 1, wherein said folding member includes an upper guide 2 extending from an top end of the rear guide 9 toward a main body of said image recording apparatus such that the upper guide covers the rear guide, said upper guide being made of at least one shaft 2c.

Claims 13-18, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Tamura (US 6,469,811).

Re claims 13, 16, Tamura discloses a medium tray attachable to an image recording apparatus for feeding a record medium one by one and recording an image on said record medium, comprising: a depository in which said record medium is loaded such that front and rear portions of said record medium have different angles with respect to a feeding direction of said record medium when said record medium is in said depository, said depository including a medium support (downstream section of 3) for placing the front portion of the record medium and a rear guide (upstream section of 3)

Art Unit: 3653

extending upwardly from a rear end of the medium support for guiding the rear portion of the record medium upwardly, said medium support protruding outside of the image recording apparatus from a side of the image recording apparatus to be exposed; and a folding member 10 provided at a rear portion of said depository such that said record medium in said depository is folded toward said image recording apparatus, said folding member being disposed at an upper portion of the rear guide, wherein said folding member being composed of said rear guide and an upper guide 10 extending from an top end of said rear guide toward a main body of said image recording apparatus such that said upper guide covers said rear guide.

Re claim 14, Tamura discloses the medium tray according to claim 13, wherein said upper guide can be opened or closed with a side of said main body of said image recording apparatus as a fulcrum. See e.g., figs. 1 and 2.

Re claim 15, Tamura discloses the medium tray according to claim 13, wherein said upper guide comprises a rear supporter 10 for supporting the rear portion of said record medium put in said depository.

Re claim 17, Tamura discloses the medium tray according to claim 13, wherein said rear guide is made of at least one shaft 13.

Re claim 18, Tamura discloses the medium tray according to claim 13, wherein said upper guide is made of at least one shaft 13.

Re claim 25, Tamura discloses the medium tray according to claim 16, wherein said at least one rear supporter is arranged to be rotatable around a fulcrum 13 provided on the medium support.

Art Unit: 3653

Re claim 26, Tamura discloses the medium tray according to claim 25, wherein said at least one rear supporter is arranged to form an opening for receiving the rear portion of the record medium placed on the medium support when the at least one rear supporter opens. When element 10 is opened, an opening exists for allowing the sheets to enter the machine.

### ***Allowable Subject Matter***

Claims 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach or suggest the apparatus claimed, including said medium outputting section outputting said record medium carrying said image, wherein said upper guide is connected to said upper face so that said record medium outputted from said medium outputting section is stacked in said upper guide.

### ***Response to Arguments***

Applicant's arguments filed 22 March 2007 have been fully considered but they are not persuasive.

Applicant argues that in Nishiberi, there is no description or suggestion regarding the folding member including the guide member for guiding the record medium toward the image recording apparatus. The Examiner respectfully disagrees. The folding



Art Unit: 3653

member 2 guides the medium as the sheets are fed. In other words, element 2 guides the sheets because the sheets slide along element 2.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy R. Severson whose telephone number is (571) 272-2209. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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